

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Eliseo ESPINOSA-Mata,

Defendant

Magistrate Docket No.

08 JUL -7 AM 11:09

08 MJ 2049

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **July 4, 2008** within the Southern District of California, defendant, **Eliseo ESPINOSA-Mata**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF JULY, 2008


William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Eliseo ESPINOSA-Mata

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On July 4, 2008, Border Patrol Agent S. Carlson was working assigned line-watch duties in the Imperial Beach area of operations at an area known as "East Smuggler's." This area is approximately three miles west of the San Ysidro Port of Entry and approximately fifty yards north of the United States/Mexico International Boundary. At approximately 10:00 P.M., Agent Carlson was advised by the Inside Scope Operator of an individual headed north from the United States/Mexico International Boundary at "East Smuggler's." The Inside Scope Operator next reported that the individual had concealed himself in the brush at "East Smuggler's." Agent Carlson responded to the scene whereat the said individual was concealing himself in the brush. After establishing visual contact with the individual, Agent Carlson immediately identified himself as a United States Border Patrol Agent and conducted an immigration inspection as to the individual's citizenship and nationality. The individual, later identified as the defendant **Eliseo ESPINOSA-Mata**, admitted to being a citizen and national of Mexico not in possession of any documentation enabling or permitting him to enter or remain in the United States legally. At approximately 10:10 P.M., Agent Carlson arrested the defendant and had him transported to the Imperial Beach Border Patrol Station for processing.

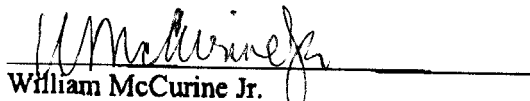
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on June 21, 2006 through Laredo, Texas. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

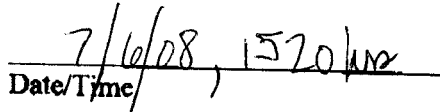
The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on July 6, 2008 at 9:30 A.M.


Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of one page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on July 4, 2008, in violation of Title 8, United States Code, Section 1326.


William McCurine Jr.
United States Magistrate Judge


Date/Time 7/16/08, 1520 hrs